

BILL NO. 84-43

AS AMENDED

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 84-43 (AS AMENDED)

Council President Hardwicke at the
request of the County Executive

Introduced by _____

Legislative Day No. 84-23 Date July 10, 1984

AN EMERGENCY ACT to repeal and re-enact with amendments Article II, heading, Stormwater Control, of Chapter 10, heading, Sediment Control, of the Harford County Code, as amended; to provide for the management of stormwater in Harford County; to provide for the prevention of land erosion from storms; to establish standards for the construction of stormwater management systems in Harford County; to require permits for installation of stormwater management systems; to provide for maintenance of these systems; to provide for penalties for violation of this Ordinance; and to generally provide for stormwater management.

By the Council, July 10, 1984

Introduced, read first time, ordered posted and public hearing scheduled

on: August 7, 1984

at: 6:30 P.M.

By Order: Angela Markowski, Secretary

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on August 7, 1984 and concluded on August 14, 1984.

Angela Markowski, Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

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1 Section 1. Be It Enacted By The County Council of Harford County,
2 Maryland, that Article II, heading, Stormwater Control of Chapter
3 10, heading, Sediment Control, of the Harford County Code, as
4 amended, be, and it is hereby repealed and re-enacted with
5 amendments, all to read as follows:

6 Chapter 10. Sediment Control.

7 Article II. Stormwater Management.

8 Section 10-21. Purpose and Authority.

9 The provisions of this Ordinance pursuant to Section 8-11A-02
10 Natural Resources Article, Annotated Code of Maryland, 1983
11 replacement volume, are adopted under the authority of the Harford
12 County Code and shall apply to all development occurring within
13 the boundary area of Harford County. The application of this
14 Ordinance and the provisions expressed herein shall be the minimum
15 stormwater management requirements and shall not be deemed a
16 limitation or repeal of any other powers granted by State statute.
17 The Harford County Department of Public Works shall be responsible
18 for the coordination and enforcement of the provisions of this
19 Ordinance.

20 The purpose of this Ordinance is to protect, maintain, and
21 enhance the public health, safety, and general welfare by
22 establishing minimum requirements and procedures to control the
23 adverse impacts associated with increased stormwater runoff.
24 Proper management of stormwater runoff will minimize damage to
25 public and private property, reduce the effects of development on
26 land and stream channel erosion, assist in the attainment and
27 maintenance of water quality standards, reduce local flooding, and
28 maintain after development, as nearly as possible, the pre-devel-
29 opment runoff characteristics.

30 Section 10-22. Definitions.

31 For the purposes of this Ordinance the following definitions
32 describe the meaning of the terms used in this Ordinance:

1 (1) "Adverse impact" means any deleterious effect on waters
2 or wetlands, including their quality, quantity, surface area,
3 species composition, aesthetics or usefulness for human or natural
4 uses which are or may be potentially harmful or injurious to human
5 health, welfare, safety or property, to biological productivity,
6 diversity, or stability or which unreasonably interfere with the
7 enjoyment of life or property, including outdoor recreation.

8 (2) "Agricultural land management practices" means those
9 methods and procedures used in the cultivation of land in order to
10 further crop and livestock production and conservation of related
11 soil and water resources.

12 (3) "Applicant" means any person, firm, or governmental
13 agency who executes the necessary forms to procure official
14 approval of a project or a permit to carry out construction of a
15 project.

16 (4) "Approved plan" means a set of representational drawings
17 or other documents submitted by an applicant which have been
18 determined to contain such information and specifications as
19 required by the Department and the District under the regulations
20 adopted in accordance with this Ordinance.

21 (5) "Acquifer" means a porous water bearing geologic
22 formation generally restricted to materials capable of yielding an
23 appreciable supply of water.

24 (6) "BUILDING PERMIT" MEANS AN OFFICIAL DOCUMENT OR CERTIFI-
25 CATE ISSUED BY THE DEPARTMENT OF INSPECTIONS, LICENSES AND
26 PERMITS AUTHORIZING CONSTRUCTION OF A STRUCTURE AS PROVIDED FOR
27 IN CHAPTER 5 OF THE HARFORD COUNTY CODE.

28 (7) "Clearing" means the removal of trees and brush from the
29 land but shall not include the ordinary mowing of grass.

30 (8) "COMAR" MEANS THE CODE OF MARYLAND REGULATIONS.

31 (9) "Department" means the Department of Public Works.
32

1 (10) "Detention structure" means a permanent structure for
2 the temporary storage of runoff which is designed so as not to
3 create a permanent pool of water.

4 (11) "Develop land" means to change the runoff characteris-
5 tics of a parcel of land in conjunction with residential,
6 commercial, industrial, or institutional construction or
7 alteration.

8 (12) "Developer" means a person, business entity, or
9 government agency which has an objective promotion of the
10 development of land for public or nonpublic uses, or the
11 construction of structures on parcels of land.

12 (13) "DEVELOPMENT" MEANS THE CONSTRUCTION, RECONSTRUCTION,
13 CONVERSION, ERECTION, ALTERATION, RELOCATION OR ENLARGEMENT OF ANY
14 BUILDING, STRUCTURE, ROADWAY OR PAVING; ANY MINING, EXCAVATION OR
15 LANDFILL, AND ANY LAND DISTURBANCE IN PREPARATION FOR ANY OF THE
16 ABOVE.

17 (14) "District" means the Harford Soil Conservation
18 District.

19 (15) "Drainage area" means that area contributing runoff to
20 a single point measured in a horizontal plane which is enclosed by
21 a ridge line.

22 (16) "Easement" means a grant or reservation by the owner of
23 land for the use of such land by others for a specific purpose or
24 purposes and which must be included in the conveyance of land
25 affected by such easement.

26 (17) "Exemption" means those land development activities
27 that are not subject to the stormwater management requirements
28 contained in this Ordinance.

29 (18) "Flow attenuation" means prolonging the flow time of
30 runoff to reduce the peak discharge.

1 (19) "Grading" means any act by which soil is cleared,
2 stripped, stockpiled, excavated, scarified, filled, or any
3 combination thereof.

4 (20) "Grading permit" means the section of the grading/-
5 stormwater management permit that allows land disturbance in
6 excess of 22,000 square feet pursuant to Article 1 of this
7 chapter.

8 (21) "Infiltration" means the passage or movement of water
9 into the soil surface.

10 (22) "Land disturbing activity" means any earth movement or
11 land changes, including but not limited to, clearing, grading,
12 dumping, excavating, stripping, filling, construction, and related
13 activities.

14 (23) "Maintenance agreement" means a signed agreement
15 between the County and the applicant and/or property owner(s), and
16 recorded in the Land Records of the County, to ensure maintenance
17 of privately owned stormwater management facilities.

18 (24) "Off-site stormwater management" means the design and
19 construction of a facility necessary to control stormwater from
20 ~~more-than-one-development.~~ ONE (1) OR MORE DEVELOPMENTS.

21 (25) "On-site stormwater management" means the design and
22 construction of systems necessary to control stormwater within an
23 immediate development.

24 (26) "Performance Bond" means a cash bond, corporate bond,
25 irrevocable letter of credit, or other approved security required
26 of the applicant, by the Department, before issuance of a
27 stormwater management permit.

28 (27) "Person" means any individual, corporation, partner-
29 ship, joint venture, agency, unincorporated association, or any
30 combination thereof.

1 (28) "Porous paving" means an open-graded asphaltic or
2 reticular concrete or other material which allows water to pass
3 through it.

4 (29) "Professional Engineer" means an engineer duly licensed
5 by the State of Maryland to practice professional engineering
6 under the requirements of Article 75 1/2 of the Annotated Code of
7 Maryland (1957, as amended).

8 (30) "Retention structure" means a permanent structure that
9 provides for the storage of runoff by means of a permanent pool of
10 water.

11 (31) "Sediment" means soils or other surficial materials
12 transported or deposited by the action of wind, water, ice, or
13 gravity as a product of erosion.

14 (32) "Site" means any tract, lot, or parcel of land or
15 combination of tracts, lots, or parcels of land which are in one
16 ownership, or are contiguous and in diverse ownership where
17 development is to be performed as part of a unit, subdivision, or
18 project.

19 (33) "Stabilization" means the prevention of soil movement
20 by any of various vegetative and/or structural means.

21 (34) "Stop work order" means an order issued by the County
22 due to the existence of a violation on a development site which
23 requires all work on the site to stop until the violation is
24 corrected.

25 (35) "Stormwater management" means:

26 (a) for quantitative control, a system of vegetative and
27 structural measures that control the increased volume and rate of
28 surface runoff caused by man-made changes to the land; and

29 (b) for qualitative control, a system of vegetative,
30 structural, and other measures that reduce or eliminate pollutants
31 that might otherwise be carried by surface runoff.

1 (36) "Stormwater management permit" means the section of the
2 grading/stormwater management permit that requires installation of
3 a stormwater management facility pursuant to this article.

4 (37) "Stormwater Management Plan" means a set of drawings or
5 other documents submitted by a person as a prerequisite to
6 obtaining a stormwater management approval, which contain all of
7 the information and specifications pertaining to stormwater
8 management as described in the Rules and Regulations.

9 (38) "Stripping" means any activity which removes the
10 vegetative surface cover, including tree removal, clearing,
11 grubbing, and storage or removal of topsoil.

12 (39) "USDA" means United States Department of Agriculture.

13 (40) "Variance" means the modification of the minimum
14 stormwater management requirements under specific circumstances
15 for which strict adherence of the requirements would result in
16 unnecessary hardship and not fulfill the intent of this Ordinance.

17 (41) "Waiver" means the PARTIAL OR COMPLETE relinquishment
18 from stormwater management requirements by the Department for a
19 specific development on a case-by-case review basis.

20 (42) "Watercourse" means any natural or artificial stream,
21 river, creek, ditch, channel, canal, conduit, culvert, drain,
22 waterway, gully, ravine or wash, in and including any area
23 adjacent thereto which is subject to inundation by reason of
24 overflow or flood water.

25 (43) "Watershed" means the total drainage area contributing
26 runoff to a single point.

27 (44) "Wetlands" means an area that has saturated soils or
28 periodic high groundwater levels and vegetation adapted to wet
29 conditions and periodic flooding.

1 Section 10-23. Preliminary-Plan FINAL PLAT Approval.

2 Preliminary-plan FINAL PLAT approval will not be granted by
3 the County until the proposed development has satisfied one of the
4 following conditions.

5 (a) The proposed development is exempt from the provisions
6 of this Ordinance;

7 (b) The proposed development has been granted a waiver of
8 the stormwater management requirements;

9 (c) The proposed development has been granted a variance
10 from the stormwater management requirements; or

11 (d) The applicant has submitted the necessary drawings,
12 calculations, and documentation that show the type of stormwater
13 management and location at which it will be provided. This
14 documentation shall provide the necessary justification for
15 rejecting preferred stormwater management practices as detailed in
16 Section ~~10-27~~ 10-30. The documentation shall be of sufficient
17 detail to meet the approval of the Department of Public Works, the
18 Department of Planning and Zoning, and the Health Department.

19 SECTION 10-24. APPLICABILITY.

20 THE PROVISIONS OF THIS ARTICLE SHALL BE APPLICABLE TO ALL NEW
21 RESIDENTIAL, COMMERCIAL, INDUSTRIAL, INSTITUTIONAL, AND
22 GOVERNMENTAL SITES. STORMWATER MANAGEMENT ON THESE SITES SHALL
23 PROVIDE CONTROL OF THE INCREASE IN RUNOFF DUE TO DEVELOPMENT,
24 EXCEPT AS EXEMPTED OR WAIVED IN SECTION 5 OF THE HARFORD COUNTY
25 STORMWATER MANAGEMENT RULES AND REGULATIONS.

26 Section 10-25. Permits.

27 (a) No person shall develop any land for residential,
28 commercial, industrial, or institutional uses without having
29 provided for appropriate stormwater management measures that
30 control or manage runoff from such developments, except as
31 provided within this section.

1 (b) THE FOLLOWING DEVELOPMENT ACTIVITIES ARE EXEMPT FROM THE
2 PROVISIONS OF THIS ORDINANCE AND THE REQUIREMENTS OF PROVIDING
3 STORMWATER MANAGEMENT:

4 (1) AGRICULTURAL LAND MANAGEMENT ACTIVITIES;

5 (2) ADDITIONS OR MODIFICATIONS TO EXISTING SINGLE-FAMILY
6 DETACHED RESIDENTIAL STRUCTURES;

7 (3) DEVELOPMENTS THAT DO NOT DISTURB OVER FIVE THOUSAND
8 (5,000) SQUARE FEET OF LAND AREA;

9 (4) LAND DEVELOPMENT ACTIVITIES WHICH THE WATER
10 RESOURCES ADMINISTRATION DETERMINES WILL BE REGULATED UNDER
11 SPECIFIC STATE LAWS WHICH PROVIDE FOR MANAGING STORMWATER RUNOFF;
12 OR

13 (5) RESIDENTIAL DEVELOPMENTS CONSISTING OF SINGLE-FAMILY
14 HOUSES EACH ON A LOT OF TWO (2) ACRES OR GREATER

15 (c) The Department shall by regulation, prior to the
16 issuance of any permit, require inspection fees and nonrefundable
17 permit fees. The Department may ~~change~~ CHARGE additional
18 nonrefundable fees where there are additional submissions and
19 permit extensions. These fees shall not exceed the reasonable cost
20 of administering this article.

21 (d) Stormwater management plans must be reviewed and
22 approved by the Department and meet the requirements of this
23 article before a grading/stormwater management permit shall be
24 issued and incorporated therein. The approved plan shall be a
25 part of the permit. Issuance of a ~~grading/stormwater-management~~
26 ~~permit~~, building permit, EXCEPT FOR MODEL HOMES, and/or use and
27 occupancy permit shall be withheld pending approval of the final
28 stormwater management plan, unless stormwater management has been
29 otherwise waived or exempted for the site.

30 (e) Stormwater management permits shall be valid for a
31 period of up to twelve (12) consecutive months. If the permittee
32 is unable to complete work within this period of time for good

1 cause, upon written request to the Department within thirty (30)
2 days prior to the expiration of the permit, an extension of up to
3 twelve (12) months may be granted at the Department's discretion.
4 When such an extension of time requires a substantial modification
5 of the stormwater management plan, any extension of the permit
6 shall be subject to the Department's and where applicable the
7 District's approval of a revised plan.

8 (f) Permit Conditions. When stormwater management
9 facilities are required, it shall be the responsibility of the
10 developer/owner of the affected property or such developer/owner's
11 authorized agent to file an application for a stormwater
12 management permit with the Department of Public Works. The
13 application shall be accompanied by plans approved by the
14 Department and the District, when applicable, the permit fee, and
15 the bond.

16 (g) Additionally, to perform work required by a stormwater
17 management plan, the appropriate permit must be issued in
18 accordance with the appropriate Harford County Sediment Control
19 law.

20 (h) Sites for which stormwater management permits have been
21 issued but for which no on-site work has been initiated within the
22 year shall be subject to an update review of the approved
23 stormwater management plan and permit. Sites for which no
24 stormwater management permit has been issued within one (1) year
25 of plan approval shall be subject to the same update review.

26 (i) Stormwater management plans which specify the design and
27 construction of retention or detention structures are required to
28 have District approval, subject to the Natural Resources Article,
29 Section 8-803(b), as amended.

1 (j) In granting any permit, the Department may attach such
2 conditions thereto as may be deemed reasonably necessary to ensure
3 compliance with this article and to ensure public health and
4 safety and the mitigation of environmental impact.

5 (k) If the proposed stormwater management facility requires
6 a permit from the State of Maryland Department of Natural
7 Resources, the Harford County permit required under the provisions
8 of this article will not be issued until the necessary State
9 permit(s) have been secured.

10 (l) Permit Requirement. ~~A grading or building permit may~~ A
11 BUILDING PERMIT, EXCEPT FOR MODEL HOMES, MAY not be issued for any
12 site or lot unless a stormwater management plan has been EXEMPTED,
13 approved or waived by the Department as meeting all the require-
14 ments of this Ordinance. Where appropriate, building permits may
15 not be issued without:

16 (1) Recorded easements for the stormwater management
17 facility and easements to provide adequate access for inspection
18 and maintenance from a public right-of-way;

19 (2) A recorded stormwater management maintenance
20 agreement; and

21 (3) Performance Bond.

22 (m) Permit Fee. A nonrefundable permit fee will be
23 collected at the time the stormwater management plan or applica-
24 tion for waiver is submitted. The permit fee will provide for the
25 cost of plan review, administration and management of the
26 permitting process, and inspection of all projects subject to this
27 Ordinance. A permit fee schedule shall be established by the
28 Department based upon the relative complexity of the project and
29 may be amended from time to time. Permit extensions shall be
30 subject to an additional nonrefundable permit fee, equal to
31 ~~one-twelfth (1/12) of the original fee for each month or part of a~~
32 ~~month for which an extension is granted.~~

1 (n) Permit Suspension and Revocation. Any stormwater
2 management grading or building permit issued by the Department
3 COUNTY may be suspended or revoked after written notice is given
4 to the permittee for any of the following reasons:

5 (1) Any violation(s) of the conditions of the stormwater
6 management plan approval;

7 (2) Changes in site runoff characteristics upon which a
8 waiver was granted;

9 (3) Construction is not in accordance with the approved
10 plans;

11 (4) Noncompliance with correction notice(s) or stop work
12 order(s) issued for the construction of the stormwater management
13 facility;

14 (5) An immediate danger exists in a downstream area in
15 the opinion of the Department; ~~and~~ DEPARTMENT, AND THE DANGER
16 RESULTS FROM THE DEVELOPMENT FOR WHICH THE PERMIT WAS ISSUED; AND

17 (6) Violation of any provision of this article or any
18 other applicable law, ordinance, rule, or regulation relating to
19 the work.

20 (o) In addition to the authority set forth in Subsection (n)
21 above, the Director may post a site with an order directing the
22 premises to cease all land-disturbing activity being performed
23 under permits required by this article when such activity does not
24 conform to the specifications, including modifications thereof of
25 an approved plan or other conditions of the permit issued
26 hereunder, provided that:

27 (1) Written notice to comply will be furnished within
28 seven (7) days to the permittee by certified mail and addressed to
29 the address of the permittee as stated on the application for a
30 permit.

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1 (2) And such notice will include the nature of the
2 corrective measures required and the time within which corrections
3 shall be made.

4 (p) Nothing contained in this section shall be interpreted
5 as restricting the Department from proceeding directly with a stop
6 work order or with alternative enforcement procedures established
7 by law.

8 (q) The County may withhold the issuance of building permits
9 in a development that does not comply with the requirements of
10 this Ordinance.

11 (r) All preliminary development plans shall be CONCEPTUALLY
12 reviewed by the Department for on-site stormwater management.

13 (1) If the Sediment Control Law exempts a development
14 from its requirements, and the development will affect more than
15 five thousand (5,000) square feet of area, then the requirements
16 of this article shall be applicable to said development, EXCEPT AS
17 EXEMPTED IN SECTION 10-23.

18 (2) A permit for construction of stormwater systems in
19 accordance with this article shall be granted when the require-
20 ments of this Ordinance are met. The permit required by this
21 Ordinance and the Sediment Control Law shall be one and the
22 same.

23 SECTION 10-26. WAIVERS.

24 THE DIRECTOR OF PUBLIC WORKS MAY GRANT WAIVERS OR EXEMPTIONS
25 TO THE STORMWATER MANAGEMENT REQUIREMENTS FOR INDIVIDUAL
26 DEVELOPMENTS IN ACCORDANCE WITH SECTION 5 OF THE HARFORD COUNTY
27 STORMWATER MANAGEMENT RULES AND REGULATIONS.

28 Section 10-27. Stormwater Management Plans.

29 (a) Review and Approval of Stormwater Management Plans.

30 (1) A stormwater management plan or an application for a
31 waiver shall be submitted to the Department by the developer for
32 review and approval for any proposed development, unless otherwise

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1 exempted. The stormwater management plan shall contain supporting
2 computations, drawings, and sufficient information describing the
3 manner, location, and type of measures in which stormwater runoff
4 will be managed from the entire development. The Department shall
5 review the plan to determine compliance with the requirements of
6 this Ordinance prior to approval. The plan shall serve as the
7 basis for all subsequent construction.

8 (2) Notification of approval or reasons for the
9 disapproval or modification shall be given within thirty (30)
10 working days after submission of the completed stormwater plan. If
11 a decision is not made within thirty (30) working days, the
12 applicant shall be informed of the status of the review process
13 and the anticipated completion date. The stormwater management
14 plan shall not be considered approved without the inclusion of the
15 signatures and date of signature of the Department on the plan.

16 (b) A separate stormwater management plan shall be required
17 for each separate development site.

18 ~~(c) -- Stormwater management plans are not transferable.~~

19 (c) The stormwater controls required by this article and the
20 controls required by the sediment control law may be integrated
21 into a single plan for control of sediment and stormwater, when
22 practical.

23 (d) Minimum requirements for stormwater management plan
24 content shall be as specified in the Rules and Regulations.

25 (e) All requirements of the USDA Maryland Soil Conservation
26 Service Engineering Standards for stormwater management systems,
27 all Harford County Stormwater Management Rules and Regulations,
28 and any and all regulations of the Maryland Department of Natural
29 Resources shall apply to all plans submitted under this article.
30 United States Department of Agriculture Maryland Soil Conservation
31 Service standards shall apply to all plans submitted under this
32 Ordinance which incorporate stormwater management ponds.

1 (f) Plans shall be prepared in sufficient detail so as to
2 ensure understanding by those responsible for installation as well
3 as by the County authorized inspector charged with ensuring
4 installation as per design. Changes in design and installation
5 beyond what is allowed by law will not be permitted.

6 (g) A registered professional engineer shall prepare the
7 stormwater management plan and shall certify on the drawing that
8 the plans meet stormwater management design requirements provided
9 by this article and the Rules and Regulations. The developer or
10 builder shall certify on the drawing that all clearing, grading,
11 construction, and development shall be conducted in strict
12 accordance with the plan.

13 (h) Plans which are not properly documented and certified,
14 or which do not reflect current on-site conditions or support the
15 certification, shall be denied approval.

16 ~~(i) -- Stormwater management feasibility shall be addressed or~~
17 ~~shown on preliminary plats accompanied by supporting computations~~
18 ~~and sufficient other details and shall be submitted to the~~
19 ~~Department for review and approval of basis site suitability and~~
20 ~~adequacy prior to preliminary plat approval. -- Plans incorporating~~
21 ~~stormwater management ponds shall also be submitted to the~~
22 ~~District for review and approval. Preliminary plats must be~~
23 ~~approved by the Department and the District where appropriate~~
24 ~~prior to approval by the Department of Planning and Zoning.~~

25 Section 10-28. Plan Modification.

26 (a) Major modifications of the approved plans shall be
27 submitted to the Department and reprocessed in the same manner as
28 the original plan when:

29 (1) Inspection has revealed the inadequacy of the plan
30 to accomplish the stormwater management objectives of the plan,
31 and appropriate modifications to correct the deficiency of the
32 plan are approved by the Department and/or the District. Cost for

1 modification shall be borne by the owner, if such inadequacy is or
2 was the responsibility of the owner, and further development of
3 the site shall be prohibited until the modifications are made.

4 (2) The person responsible for carrying out the approved
5 plan finds that because of changed circumstances or for other
6 reasons the approved plan cannot be effectively executed and
7 proposes revisions to the plan that are consistent with the
8 requirements of this article and pursuant to the Rules and
9 Regulations, and the District and Department approve the proposed
10 revisions.

11 (3) The Department may, in emergency situations and at
12 its discretion, order repairs or modifications in order to protect
13 stream channels, other properties or the general public from
14 damage, to remain in effect until such modifications or revisions
15 to the plan shall have been approved and implemented.

16 (b) Field modifications of a minor nature, where such
17 changes do not render the plan ineffective, may be authorized by
18 the Department, provided that written authorization is given to
19 the person performing work pursuant to this article, with a copy
20 forwarded in a timely manner to the District.

21 Section 10-29. Stormwater Management Criteria.

22 (a) Minimum Control Requirements.

23 (1) The minimum stormwater control requirements shall
24 require that all developments provide management measures
25 necessary to maintain the post-development peak discharges for a
26 24-hour, 2- and 10-year frequency storm event at a level that is
27 equal to or less than the respective 24-hour, 2- and 10-year
28 pre-development peak discharge rates, through stormwater
29 management practices that control the volume, timing, and rate of
30 flows. Where runoff is discharged into an off-site stormwater
31 management facility, the control requirements and procedures shall
32 be in accordance with Rules and Regulations Subsection 8.0.

1 (2) Stormwater management and development plans, where
2 applicable, shall be consistent with adopted and approved
3 watershed management plans or flood management plans as approved
4 by the Water Resources Administration in accordance with the Flood
5 Hazard Management Act of 1976 (Section 8-9A-01 et seq., Natural
6 Resources Article).

7 Section 10-30. Stormwater Management Measures.

8 (a) Stormwater management measures shall be required to
9 satisfy the minimum control requirements. The stormwater
10 management practices to be utilized in developing a stormwater
11 management plan shall be according to the following order of
12 preference:

13 (1) Infiltration of runoff on site;

14 (2) Flow attenuation by use of open vegetated swales and
15 natural depressions;

16 (3) Stormwater retention structures; and

17 (4) Stormwater detention structures.

18 (b) Infiltration practices shall be utilized to reduce
19 volume increases to the extent possible as determined in
20 accordance with infiltration standards and specifications
21 established by the Water Resources Administration. A combination
22 of successive practices may be used to achieve the applicable
23 minimum control requirements. Justification shall be provided by
24 the person developing land for rejecting each practice based on
25 site conditions.

26 (c) The developer shall give consideration to incorporating
27 the use of natural topography and land cover such as wetlands,
28 ponds, natural swales, and depressions as they exist prior to
29 development to the degree that they can accommodate the additional
30 flow of water.

1 Section 10-31. Performance Bond.

2 (a) The Department shall, before issuing a permit, require a
3 cash or corporate bond or other approved security in the form and
4 manner prescribed by the County Attorney conditioned upon faithful
5 performance of the conditions and time limits of the stormwater
6 management permit. Required collateral shall be equal to the
7 approved estimated cost of construction of the stormwater
8 management facility. A corporate bond shall be maintained and
9 renewed annually and shall be executed by a surety or guarantee
10 company qualified to transact business in the State of Maryland. A
11 cash bond shall be deposited with the Treasurer of Harford County,
12 who shall give a receipt stating that the cash has been deposited
13 in compliance with and subject to the provisions of this Section.
14 The approved security shall obligate the principal, and the
15 principal's executors, administrators, successors and assigns,
16 jointly and severally with the surety and shall inure to the
17 benefit of the County, its officers, employees and to any person
18 aggrieved by the principal's failure to comply with the conditions
19 thereof. The principal and the surety shall, under the bond or
20 other approved security, continue to be firmly bound under a
21 continuing obligation for the payment of all necessary costs and
22 expenses or liabilities which may be incurred or expended by the
23 Department to meet the minimum requirements of this article.

24 (b) Whenever the Department shall find that a default has
25 occurred in the performance of any term or condition of the permit
26 or approved security, written notice thereof shall be given to the
27 principal and to the surety of the bond or security. Such notice
28 shall state the work to be done, the estimated cost thereof, and
29 the period of time deemed by the Department to be reasonably
30 necessary for the completion of such work.
31
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1 (c) If a cash bond has been posted, notice of default as
2 provided by the preceding paragraphs shall be given to the
3 principal. If compliance is not had within the time specified, the
4 Department shall proceed without delay and without further notice
5 or proceedings whatsoever to use the cash deposited, or any
6 portion of such deposit to cause the required work to be completed
7 by contract or otherwise at the discretion of the Department.

8 (d) In the event of any default in the performance of any
9 term or condition of the permit or bond or other approved
10 security, the County, the surety, or any person employed or
11 engaged on his/her behalf shall have the right to go upon the site
12 to complete the required work necessary to control stormwater
13 runoff or to make the site safe. In the event the Department
14 undertakes the required work or makes the site safe with the funds
15 from the forfeited cash or corporate bond or security, such funds
16 shall be used to pay the cost of contracting, including engineer-
17 ing and administration, for necessary restoration of the site to
18 control stormwater runoff within the requirements of the plan,
19 permit, bond, security, or this article. If the cost of the work
20 necessary to manage stormwater or to make it safe exceeds the
21 amount of the cash or corporate bond or security, the permittee
22 shall continue to be firmly bound under a continuing obligation
23 for payment of all excess costs and expenses incurred by the
24 County. The cost and expenses shall be a lien upon all property
25 and all rights to property, real or personal, of any person liable
26 to pay the same from and after the time said cost is due and
27 payable. The cost shall be listed on the tax bill and shall be
28 collected in the manner of ordinary taxes plus interest.
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1 (e) No person shall interfere with or obstruct the ingress
2 or egress to or from any such site or premises by an authorized
3 representative or agent of any surety or of the Department engaged
4 in completing the work required to be performed under the permit
5 or in complying with the terms or conditions thereof.

6 (f) The posted bond or other security shall remain in full
7 force and effect until final inspection of the facility or
8 facilities has been conducted by the Department or their
9 authorized representative and a completion certificate has been
10 issued. The bond or other security shall be returned to the
11 depositor or the depositor's successors or assigns within ninety
12 (90) days of issuance of the completion certificate, except for
13 any portion of the bond which may have been used. Failure to
14 maintain the required surety shall automatically cause a temporary
15 revocation of any and all permits issued by Harford County to the
16 permittee or the permittee's successors and assigns in interest,
17 and may be assigned to the permittee's predecessors as necessary.

18 Section 10-32. Liability Insurance.

19 If, in the opinion of the Department, the nature of the work
20 is such that it may create a hazard to human life, or endanger
21 adjoining property, property at a higher or lower elevation,
22 streets, street improvements, or any other property, then the
23 Department may, before authorizing issuance of the permit, require
24 that the applicant for a permit file a certificate of insurance
25 showing insurance against claims for damages for property damage
26 and personal injury in an amount not less than Twenty-five
27 Thousand Dollars (\$25,000), which may arise from or out of the
28 performance of the work, whether such performance be by the
29 applicant, the applicant's subcontractor, or any person directly
30 or indirectly employed by the applicant, and the amount of such
31 insurance shall be prescribed by the Department in accordance with
32 the nature of the risks involved. Neither issuance of a permit

1 nor compliance with the provisions hereto or any condition imposed
2 by the Department shall relieve any person from any responsibility
3 for damage to persons or property otherwise imposed by law, nor
4 impose any liability upon the County for damages to persons or
5 property. Failure to maintain the required liability insurance
6 shall automatically operate as a temporary revocation of any and
7 all permits issued by Harford County to the permittee or the
8 permittee's predecessors or successors and assigns in interest.

9 Section 10-33. Maintenance Bond.

10 A maintenance bond or other approved security in the form and
11 manner prescribed by the County Attorney shall be posted for a
12 period of twelve (12) months following the issuance of the
13 completion certificate. The bond or other security shall cover
14 latent defects in labor and/or material required to maintain all
15 grade surfaces, walls, drains, dams, structures, slopes,
16 vegetation, stormwater control measures and other protective
17 devices, and damages resulting from construction equipment and
18 vehicles doing work in that portion of the area covered by the
19 terms of the permit. The amount of the bond or security shall be
20 equal to or greater than ten percent (10%) of the construction
21 cost.

22 Section 10-34. Agreements Between the County, Municipalities, and
23 Other Units of Government.

24 The Department shall inform any incorporated city, town,
25 municipality, or other unit of government possessing powers to
26 regulate stormwater management of any proposed stormwater
27 management facility, development, or plan which could affect
28 stormwater management within its jurisdiction. The Department
29 shall also inform any such unit of government of any functional
30 master plan or preliminary plat of subdivision which may affect
31 stormwater management within its jurisdiction.
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1 The County may enter into cooperative agreements with any
2 unit of government concerning any matter relating to stormwater
3 management, including but not limited to, the planning, design,
4 construction and maintenance of stormwater management facilities
5 and monetary contributions for stormwater management. The County
6 may enter into such cooperative agreements in order to coordinate
7 stormwater management activities with any unit of government, to
8 avoid duplication of effort, and to minimize the costs associated
9 with an effective stormwater management program.

10 Section 10-35. Inspections.

11 (a) Unless otherwise specified, construction of all
12 stormwater management facilities shall be subject to the
13 inspection of the Department or their authorized representative.

14 (b) Minimum inspection requirements for stormwater
15 management facilities shall be as specified in the Rules and
16 Regulations of the Department.

17 (c) The permit holder shall notify the Department forty-
18 eight (48) hours before commencing any work in conjunction with
19 the stormwater management plan.

20 (d) At the time of commencement of work, the inspector shall
21 be provided with an updated timing schedule and sequence
22 reflecting proposed dates for each phase of construction requiring
23 inspection as defined under the adopted Rules and Regulations.
24 The permit holder shall be required to inform the inspector of any
25 deviation from this proposed schedule twenty-four (24) hours in
26 advance. Failure to submit an updated timing schedule and
27 sequence or to comply with the schedule may result in the issuance
28 of a stop work order or forfeiture of bond. The contractor shall
29 have the right to proceed if inspection by the Department or its
30 authorized representative does not occur in accordance with the
31 accepted timing schedule.
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1 (e) Any portion of the work which does not comply with any
2 requirements of this article will be promptly corrected by the
3 developer, after written notice from the Department. The notice
4 shall set forth the nature of corrections required and the time
5 within which corrections will be made.

6 (f) An inspection report shall be completed for each
7 inspection conducted. The Department shall furnish the inspected
8 party with the results of the inspection report as soon as
9 possible WITHIN FIFTEEN (15) DAYS after completion of each required
10 inspection. A permanent file of all inspections shall also be
11 maintained by the Department.

12 (g) Immediately upon completion of the project, the
13 permittee shall notify the Department. The Department shall make
14 a final inspection and shall prepare a final inspection report, a
15 copy of which shall be submitted to the District.

16 If, upon final inspection of any work, it is found by the
17 Department that the work subject to inspection has been satisfac-
18 torily completed in accordance with the requirements of this
19 article and the Rules and Regulations, the permit, conditions,
20 plans, drawings and specifications, and the required reports and
21 as-built certification have been submitted, a completion
22 certificate covering such work shall be issued to the owner by the
23 Department and the performance bond shall be returned as specified
24 in Section ~~10-28~~ 10-31.

25 Section 10-36. Inspection for Prevention Maintenance.

26 (a) Preventive maintenance shall be ensured through
27 inspection of all infiltration systems, retention, or detention
28 structures by the Department. The inspection shall occur during
29 the first year of operation and at least once every three (3)
30 years thereafter.
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1 (b) Inspection reports shall be maintained by the Department
2 on all retention and detention structures and shall include the
3 following:

- 4 (1) The date of inspection;
5 (2) Name of inspector;
6 (3) The condition of:
7 (i) Vegetation;
8 (ii) Fences;
9 (iii) Spillways;
10 (iv) Embankments;
11 (v) Reservoir area;
12 (vi) Outlet channels;
13 (vii) Underground channels;
14 (viii) Sediment load; or
15 (ix) Any other item that could affect the proper
16 function of the stormwater management system.
17 (4) Description of needed maintenance.

18 (c) If, after an inspection by the Department, the condition
19 of a stormwater management facility presents an immediate danger
20 to the public health or safety because of an unsafe condition or
21 improper maintenance, the Department shall take such action as may
22 be necessary to protect the public and make the facility safe. Any
23 cost incurred by the County/municipality shall be assessed against
24 the owner(s), as provided in Section ~~10-34~~ 10-37.
25 Section 10-37. Maintenance Responsibilities.

26 (a) The owner(s) of any property on which work has been
27 completed pursuant to this article, or any other person or agent
28 in control of such property shall maintain in good condition and
29 promptly repair or restore all grade surfaces, walls, drains, dams
30 and structures, plantings, vegetation, erosion and sediment
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1 control measures and other protective devices. Such repairs or
2 restorations and maintenance shall be in accordance with the
3 approved plans.

4 (b) A maintenance schedule shall be developed for the life
5 of any stormwater management facility. This schedule shall state
6 the maintenance to be performed, when it shall be performed, and
7 who shall perform the maintenance. This maintenance schedule
8 shall be printed on the stormwater management plan.

9 (c) Prior to the issuance of any building permit in any
10 subdivision for which stormwater management is required, the
11 Department shall require the applicant or owner to execute an
12 inspection-and-maintenance-agreement-binding-on-all-subsequent
13 owners of land served by the on-site stormwater management
14 facility.--Such-agreement-shall-provide-for-access-to-the-facility
15 at-reasonable-times-for-periodic-inspection-by-the-Department-or
16 its authorized representative, and for regular or special
17 assessments-of-property-owners-served-by-the-management-facility
18 to ensure that the facility is maintained in proper working
19 condition-to-meet-design-standards-and-any-provisions-established
20 and-required-by-Departmental-regulations.--The-agreement-shall-be
21 recorded by the applicant and/or owner in the Land Records of
22 Harford-County.

23 (c) If maintenance required by this article or by the Rules
24 and Regulations is not completed, the owner(s) of the facility
25 shall receive notification from the County requiring that such
26 maintenance work shall be performed within a reasonable period of
27 time (thirty (30) days maximum). If such work is not satis-
28 factorily completed by the owner(s) OF THE STORMWATER MANAGEMENT
29 FACILITY within the specified period of time, any of the following
30 actions, or combination of actions shall be implemented by the
31 County:
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~~(1) -- Issuance of a stop-work order for the site;~~

(1) Revocation of all existing permits issued to the owner(s) ~~or~~ permittee OF THE STORMWATER MANAGEMENT FACILITY in Harford County, until the problem has been corrected;

(2) Denial of all future Harford County permits to the owner(s) ~~or~~ permittee OF THE STORMWATER MANAGEMENT FACILITY until the problem has been corrected;

(3) Completion of such required work by the County, the cost of such work shall be paid to the County by the person who failed to take corrective action and shall be a lien on the property, or pro-rated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes by the County; ~~failure to honor demands of the County for the costs incurred shall automatically terminate all permits issued by Harford County to the permittee or the permittee's predecessors, successors and assigns in interest until the debt is paid in full.~~

Section 10-38. Rules and Regulations.

The Department shall establish and revise rules and regulations for administration of the provisions of this article in accordance with Section 807 of the Charter of Harford County, Maryland, with opportunity for full participation from the Harford Soil Conservation District and shall obtain recommendations from the District prior to the public hearing.

Section 10-39. ~~Applicability of this Article.~~ TRANSITION PROVISIONS.

Except as specifically exempted by this article or the Rules and Regulations, when the requirements established by this article and Rules and Regulations are in effect, all development activity in Harford County shall conform to the requirements of these documents. Any development which has been granted a grading permit prior to the effective date of this article, for which

1 plans-include-stormwater-management-measures-(whether-or-not-in
2 conformance with this article); are hereby exempted from the
3 requirements of this article. Development which has received
4 preliminary plan approval but has not been granted a grading
5 permit-prior-to-the-effective-date-of-this-article-shall-conform
6 with-the-requirements-of-this-article-and-subsequent-Rules-and
7 Regulations.

8 DOCUMENTS. ANY DEVELOPMENT WHICH HAS BEEN GRANTED PRELIMINARY
9 PLAN APPROVAL PRIOR TO JUNE 12, 1978, SHALL BE EXEMPTED FROM THE
10 REQUIREMENTS OF THIS ARTICLE. RESIDENTIAL LOTS IN SUBDIVISIONS
11 WHICH WERE PART OF THE SUBDIVISION, WITH A VALID PRELIMINARY PLAN
12 APPROVAL AS OF THE EFFECTIVE DATE OF THIS ARTICLE, SHALL BE
13 EXEMPTED FROM THE REQUIREMENTS OF THIS ARTICLE. DEVELOPMENT WHICH
14 HAS RECEIVED PRELIMINARY PLAN APPROVAL AFTER JUNE 12, 1978, BUT
15 HAS NOT BEEN GRANTED A GRADING PERMIT PRIOR TO DECEMBER 1, 1984,
16 SHALL CONFORM WITH THE REQUIREMENTS OF THIS ARTICLE AND SUBSEQUENT
17 RULES AND REGULATIONS.

18 The provisions of Sections 10-28, 10-29, 10-30, 10-31,
19 10-32, 10-33, and the criminal provisions of Section 10-37 10-40
20 shall not apply to municipal corporations, County or State
21 agencies within the State, or any combination thereof.

22 Section 10-40. Penalties.

23 (a) Any person convicted of violating the provisions of this
24 article shall be guilty of a misdemeanor, and conviction thereof,
25 shall be subject to a fine of not more than Five Thousand Dollars
26 (\$5,000) for each and every violation. Each day that the
27 violation continues shall be a separate offense. In addition
28 thereto, the County may institute injunctive, mandamus or any
29 other appropriate action or proceedings at law or equity for the
30 enforcement of this article or to correct violations of this
31 article, and any court of competent jurisdiction shall have the
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1 right to issue restraining orders, temporary or permanent
2 injunctive or mandamus or other appropriate forms of remedy or
3 relief.

4 (b) In addition to the above-enumerated penalties, the
5 County may, if it finds a violation of this article, withhold any
6 permits or future permits of the violator and/or issue stop work
7 orders on work being performed pursuant to a County permit.

8 Section 2. And Be It Further Enacted, that this act is hereby
9 declared to be an Emergency Act, necessary because of the funding
10 assistance available through the Stormwater Management
11 Grant-in-Aid Program and in order to be in compliance with the
12 effective date of the COMAR Regulation--July 1, 1984; and this act
13 shall take effect on the date it becomes law.

14 EFFECTIVE: August 20, 1984
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84-43

BY THE COUNCIL

AS AMENDED

BILL NO. 84-43 (as amended)

Read the third time.

Passed LSD 84-26 (August 14, 1984) (with amendments)

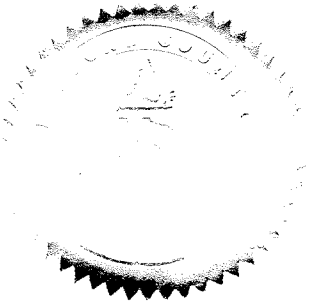
Failed of Passage _____

By order

Angela Markowski, Secretary

Sealed with the County Seal and presented to the County Executive
for his approval this 15th day of August, 1984
at 3:00 o'clock P.M.

Angela Markowski, Secretary



BY THE EXECUTIVE

APPROVED:

[Signature]
County Executive
Date 8-20-84

BY THE COUNCIL

This Bill (No. 84-43, as amended), having been approved by
the Executive and returned to the Council, becomes law on
August 20, 1984.

Angela Markowski, Secretary

EFFECTIVE DATE: August 20, 1984

84-43

AS AMENDED